

Boulder Creek Restoration Project

Cultural Resource Report

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for:
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Idaho Panhandle National Forests

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Introduction

This document details how the Idaho Panhandle National Forests, Bonners Ferry Ranger District, will meet the requirements of the National Historic Preservation Act, Section 106 identification, documentation, protection, and management of historic properties during the project activities of the Boulder Creek Restoration project. In particular, this report summarizes the existing condition of cultural resources within the Boulder Project area, as well as the direct, indirect, and cumulative effects of the proposed actions to cultural resources under each alternative. To thoroughly evaluate effects, the proposed timber extraction, proposed reforestation, culvert replacement, temporary road construction, and road maintenance (brushing and blading) will be analyzed. Lastly, alternative consistency with the Forest Plan is summarized.

Relevant Laws, Regulations, and Policy

Regulatory Framework

Land and Resource Management Plan

The 2015 Idaho Panhandle National Forests Land and Resource Management Plan (LRMP) provides standards and guidelines for activities on IPNF public lands and cultural resource management (see Attachment A - 2015 Forest Plan Forest-wide Consistency).

Federal Law

National Historic Preservation Act (NHPA) of 1966 as amended, specifically Section 106, is the foremost legislation that governs the treatment of cultural resources during project planning and implementation. Implementing regulations that clarify and expand upon the NHPA include:

- ♦ 36 CFR 800 Protection of Historic Properties
- ♦ 36 CFR 63 Determination of Eligibility to the National Register of Historic Places
- ♦ 36 CFR 296 Protection of Archaeological Resources

National Environmental Policy Act (NEPA) is also a cultural resource management directive as it calls for agencies to analyze the effects of their actions on socio-cultural elements of the environment.

American Indian Religious Freedom Act (AIRFA) of 1978 requires that federal agencies consider the impacts of their projects on the free exercise of traditional Indian religions.

Also guiding Forest Service decision-making as it relates to cultural are the following laws:

- ♦ *National Forest Management Act* (NFMA) of 1976
- ♦ *Archaeological Resources Protection Act* (ARPA) of 1979
- ♦ *Native American Graves Protection and Repatriation Act* (NAGPRA) of 1990
- ♦ *American Indian Religious Freedom Act* (AIRFA) of 1978

Executive Orders

Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), November 6, 2000 directs Federal agencies to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, etc.

Executive Order 13007 (Indian Sacred Sites) requires that federal agencies consider the impacts of their decision-making as it relates to cultural.

Other Guidance or Recommendations

The Rocky Mountain Region (R1) of the Forest Service, the ACHP, and Idaho SHPO, signed a programmatic agreement regarding the management of cultural resources on National Forest system lands in 2004. The agreement outlines specific procedures for the identification, evaluation, and protection of cultural resources during proposed activities in compliance with Section 106 of the National Historic Preservation Act.

FSM 2300 – Recreation, Wilderness, and Related Resource Management; Chapter 2360 – Cultural Program Management

The LRMP tiers to the previously mentioned laws and corresponding Forest Service manual direction as it sets forth resource management goals, objectives, and standards (see Attachment A).

Topics and Issues Addressed in This Analysis

Purpose and Need

The heritage component of this project is a relatively small part of the purpose and need for this project, with specific attention to the historic Boulder City Ghost Town (10 BY 27), an at risk from fire asset.

Issues

Forest fuel accumulations are high and continuous across the landscape, conditions which often contribute to large severe wildfires. At risk from fire assets include the historic resources in the vicinity of the Boulder City Ghost Town in the northeast quadrant of the project area.

The timber extraction within and surrounding 10 BY 27 in collaboration with heritage specialists will greatly ameliorate fire issues in this area, and provide protection for historic Boulder City Ghost Town resource. The planned recreation and interpretation project in the same location will aid in the deceleration of the on-going deterioration of the historic resource and associated environment by unrestrained heavy recreation use, vandalism, and looting.

These planned actions are considered “no adverse effect” under NHPA law. This status will require consultation with the Idaho State Historic Preservation Officer, and possibly the Advisory Council on Historic Preservation, for the creation of a NHPA mitigation plan and Memorandum of Agreement prior to implementation.

Resource Indicators and Measures

Resource indicators and measures for historic properties are, by definition, a measure of potential for “adverse effect” as defined under Section 106 of the National Historic Preservation Act. An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the property’s integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative. [36 C.F.R. § 800.5(a)(1)]

A *direct effect* to a historic property would include demolition of a historic building, major disturbance of an archaeological site, or any other actions that occur to the property itself. *Indirect effects* may change the character of the property’s use or physical features within the property’s setting that contribute to its historic significance; are often audible, atmospheric, and visual effects; and may relate to viewshed or

soundshed issues. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative. [36 C.F.R. § 800.5(a)(1)] While the Section 106 regulations do not define “cumulative effects,” the CEQ regulation definition of “cumulative impact” is analogous.

A second, legally defined adverse effect category as defined under Section 106 of the National Historic Preservation Act is “no adverse effect”. A “no adverse effect” determination is defined by either the mitigation of an action considered to be an effect to the historic property or the planned actions creating a positive effect on the property. “No adverse effects” can be either direct (i.e., stabilization, preservation, etc.) or indirect (i.e., restoration of landscape, alteration of landscape, etc.) provided they have the potential to alter an aspect of the historic property’s National Register eligibility status. A “no adverse effect” determination is created in consultation with the appropriate State Historic Preservation Officer.

Table 1. Resource indicators and measures for assessing effects

Resource Element	Resource Indicator	Measure (Quantify if possible)	Used to address: P/N, or key issue?	Source (LRMP S/G; law or policy, BMPs, etc.)?
Historic Properties (archaeological sites determined to be eligible or of undetermined eligibility nomination to the NRHP).	Alteration or loss of element(s) or indicators that create a NRHP eligibility scenario.	Loss of previously existing element(s) or indicators.	No	36CFR800 36CFR60 Forest Plan (2015) NHPA (1966) EO 13007- Indian Sacred Sites FSM 2360 (2008)

Methodology

The Boulder Creek Restoration project planning area includes all National Forest system lands administered by the Bonners Ferry Ranger District that are within the projects’ designated boundaries. The cultural resources effects analysis, including cumulative effects, will focus on cultural properties identified within the combined alternatives’ maximum planned areas of impact within the project area.

Cultural management resource elements for analysis within the project area are defined first by those properties previously located, documented, and currently managed within the project area. These properties were identified through a review and analysis of known literature and previous research, geographic information system (GIS) cultural data and archival records, and consultation with those tribes who claim aboriginal territory within the project area to define possible sites, Traditional Cultural Properties, and areas of continued cultural concern. Second, these resource elements for analysis are further defined by in-field inventory of those areas not previously inventoried for the occurrence of cultural properties.

Qualified Heritage professionals completed a cultural resource inventory survey meeting current methodological standards for the Boulder Creek Restoration project planning area. All documentation and data related to this fieldwork are incorporated into a Heritage Survey Inventory report (HRI), submitted to the Idaho SHPO for review.

Upon completion of the HRI, all potential project activities were analyzed for potential effects to historic properties and cultural landscapes.

Information Sources

Source information for the analysis of the project activities on historic properties included: all relevant previous archaeological and cultural resource inventory survey reports; oral histories; academic post-contact and pre-contact research conducted within the area; appropriate historic maps (for location purposes), including Grant Land Office, Metzger, Forest Service; and all other appropriate documentation relevant to the pre-contact and post-contact utilization of the project area. Tribal cultural resource staff provided information on known sites, Traditional Cultural Properties, and elements to identify locations of higher probability for the location of important cultural resources.

Incomplete and Unavailable Information

All possible data sources have been identified and integrated into the research and analysis of potential effects.

Spatial and Temporal Context for Effects Analysis

The spatial analysis for potential effects to under the NHPA will include all areas of planned undertaking within the proposed project area as defined in 36 CFR 800.11. This will include specifically the individual proposed cut units, burn units, road maintenance, temporary road construction, aquatic organism passage replacement, and potential recreation and heritage enhancement opportunities. The temporal scope of the analysis will include both effects to the current status of historic properties and an analysis of how the activities planned within the current proposed project will add to the cumulative effects to those historic properties.

Effects to historic properties, especially adverse effects, are permanent and almost always irreversible.

Direct/Indirect Effects Boundaries

The spatial boundaries for analyzing the direct effects to historic properties include all areas of direct impact by project activities, because direct effects are those that have the ability to alter either the historic property constituents or the environment that provides for an eligibility determination (setting, feeling, etc.).

The spatial boundaries for analyzing the indirect effects to historic properties can include the historic property soundshed and viewshed because visual and sound alterations to the setting, feeling, association, etc., can have an adverse effect to the historic property eligibility to the NRHP. Indirect effect special boundaries can also include the topography surrounding but outside of the historic property boundary, as changes in soil structure can lead to displacement and encroachment into historic property boundaries.

The temporal boundaries for analyzing the direct effects are throughout the life of the project because project activities have the potential for direct effects to historic properties.

The temporal boundaries for analyzing the indirect effects are throughout the life of the project and within 10 years post-action, because changes to the landforms, sounds, and visuals can change over time at different rates.

Cumulative Effects Boundaries

The spatial boundaries for analyzing the cumulative effects to historic properties include the project area, because effects to historic properties past, present, and foreseeable future are not limited to the historic property itself.

The temporal boundaries for analyzing the cumulative effects being at the execution of project activities and can extend beyond the completion of the project by several decades because direct and indirect actions can add to the cumulative adverse effects to historic properties.

Affected Environment

Existing Condition

As defined in 36 CFR 60(4) each historic property must contain at least one of the following criteria to be considered eligible to the NRHP:

- a. That are associated with events that have made a significant contribution to the broad patterns of our history, or
- b. That are associated with the lives of significant persons or in the past, or
- c. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or
- d. That have yielded or may be likely to yield information important to history or prehistory.

Alteration with some appropriate mitigation under consultation with both the Idaho SHPO and ACHP is defined as a “no adverse effect”, but is still considered legally an adverse or negative impact to the overall integrity and value of the historic property. Loss of those elements or indicators specific to each individual historic property is defined as an ‘adverse effect’ to that property.

Cultural resource identification efforts in the vicinity of the Boulder Creek Restoration Project planning area have focused on two primary types of cultural resources: pre-contact era (Indigenous) archaeological sites and proto-historic and/or historic era (non-indigenous) archaeological sites. Places that may support resources of contemporary tribal interest, (i.e. culturally significant plant locations), were also considered.

There have been twenty-one (21) cultural resource inventories previously conducted within and immediately adjacent to the boundary of this project. These surveys have resulted in the location of forty (40) cultural resource sites within the project planning area boundary. All of the sites within the project area and immediately adjacent were historic era sites. Of the 40 sites within the project area, three were determined not eligible, 30 were determined eligible, leaving the remaining seven under management and protection from adverse effects. Many of these eligible and potentially eligible sites occupy strategic places on the landscape and provide Forest visitors with a visual connection to key periods in the history of northern Idaho.

Table 2. Resource indicators and measures for the existing condition

Resource Element	Resource Indicator (Quantify if possible)	Measure (Quantify if possible)	Existing Condition
All historic properties and those archaeological sites of undetermined eligibility status.	The element(s) that qualify the site for nomination to the NRHP.	“no adverse effect” as defined under 36CFR800.5(3)(b): If an activity can foreseeably alter the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP, but can be mitigated in consultation with SHPO and ACHP.	The element(s) exist for the historic property’s determination of eligibility.

All historic properties and those archaeological sites of undetermined eligibility status.	The element(s) that qualify the site for nomination to the NRHP.	“adverse effect” as defined in 36CFR800.5(1): If an activity can foreseeably remove the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP	The element(s) exist for the historic property’s determination of eligibility.
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Environmental Consequences

Alternative 1 – No Action

By strict definition, direct and indirect effects (40 CFR 1508.8), and cumulative effects (40 CFR 1508.7) result from the proposed action. However under 36 CFR 800.5(2)(vi) the No Action Alternative for this project creates the potential direct, indirect, and/or cumulative effects that could create an adverse effect to eligible historic properties.

Without some level of vegetation and multi-utilization restoration work in areas of complex, wooden, historic properties, as well as planned recreation management of those properties, historic era cultural resources are at high risk of adverse effect from environmental forces, including: wildfire and environmental degradation as well as continued vandalism and inappropriate use by unconstrained recreation.

Alternative 2 – Proposed Action

Effects common to Alternatives 2 and 3:

Potential ‘undertaking’ activities (as per 36 CFR 800.16(y)) within the 40,000+ acre project area include:

- 831 acres of precommercial thinning
- 3,484 acres of tree removal utilizing four strategies:
 - 345 acres of helicopter,
 - 1913 acres tractor,
 - 631 acres skyline, and
 - 595 acres combined tractor and skyline
- 13,360 acres of planned burn utilizing three strategies:
 - 1970 acres harvest then underburning/grapple piling
 - 22 acres slash and grapple pile fuel break
 - 1423 harvest and underburn
- 173 Acres of old growth to be treated with harvest
- Proposed work on 6 established recreation trails and 6 trailheads, including relocation of one trailhead and reroute of one trail
- 76 miles of existing roads maintenance, with use of the Road 628 gravel pit
- 3.2 miles of temporary road construction
- Add 12.4 miles of stored roads, and 0.7 miles decommissioned roads
- Creation of the BCGT interpretive site, including establish .25 mile trail, toilet facility, interpretive panels, and more clearly define dispersed camping spots.
- Replace culvert with AOP (under FSR 628, middle Fork Boulder Creek)
- Treat weed populations along trailheads and roads through application of USFS approved herbicides and weed management practices

Effects specific to Alternative 2

Potential ‘undertaking’ activities (as per 36 CFR 800.16(y)) within the 40,000+ acre project area that are specific to alternative 2 include:

- 7407 acres of prescribed burn
- 118 acres of old growth to be treated by pre-slashing the ladder fuels and using prescribed fire only

Project Design Features and Mitigation Measures

All specific project design criteria meet the objectives as stated in the Forest Plan (2015), National Historic Preservation Act (1966), the Programmatic Agreement between the Idaho Panhandle National Forests and the Idaho State Historic Preservation Officer (2001), and/or the Boulder City Ghost Town Heritage Property Management Plan (2017) for both Alternatives 2 and 3. All site specific measures for known cultural resource sites would be incorporated into special provision C6.24. Project design criteria will include:

- All cultural resources (including the unanticipated discovery of any historic or pre-contact era cultural sites) including buildings, trails, mining or logging camps and chutes, and all other heritage properties would be protected by avoiding, buffering, or mitigating impacts to the sites. This includes caves, sinkholes, vertical shafts, and related features protected by the Federal Cave Resources Act of 1988.
- All slash piling, either by hand or ground-based machines, will occur outside of cultural resource boundaries. If burning of slash is necessary, however, within site boundaries, the project lead must check with a qualified archaeologist prior to implementation for concurrence regarding historic sites, rare isolates, and/or features.
- All landings and other staging areas will not be located within 100 feet of known cultural resources. Landings placed outside of harvest units will be assessed by a qualified archaeologist prior to implementation.
- All eligible and potentially eligible (unevaluated) historic properties with structural remains or other combustible feature types will be avoided/protected during all burning activities.
- Any changes to the proposed action that may occur during layout or implementation would be reviewed by a qualified archaeologist, and if necessary a cultural resource survey would be conducted prior to project implementation. Newly documented heritage properties would be evaluated, with specific protection measures implemented to protect the eligibility status of that property. Such measure could include:
 - ♦ Dropping units from harvest activity;
 - ♦ Modifying unit boundaries to provide adequate buffers around documented eligible properties, as determined by a qualified archaeologist;
 - ♦ Modifying harvest methods, fuels treatment or logging systems to protect the eligible property and its landscape; and/or
 - ♦ Implementing, if necessary, Timber Sale Contract provisions B6.24, Protection Measures Needed for Plants, Animals, Cultural Resources, and Cave Resources; C6.24, Site Specific Special Protection Measures; and B8.33, Contract Suspension and Modification.
- If during project activities cultural material or human remains are encountered, all work will cease immediately and the zone or forest archaeologist contacted and the approved Region 1 “Unanticipated Discovery Plan and Discovery of Human Remains Protocols” (Plan) will be implemented. This Plan

will be incorporated into special provision C6.24# to protect these resources. A mitigation plan, if needed, will be developed in consultation with the Idaho State Historic Preservation Officer (SHPO) and Federally Recognized Tribes of Interest if appropriate.

- The implementation plan for harvest units 233, 234, 235, 236, and 239 and any associated road maintenance, temporary road construction, and landings will include on-site heritage specialist input to protect known sites and site features.
- The implementation plan will include a buffer of 50 feet around the known historic properties determined to be eligible for nomination to the NRHP located adjacent to harvest units 101, 107, and 128.

Estimated Effectiveness: High. The measures noted above have been used on other projects on the Idaho Panhandle and on other national forests nationwide with high levels of success.

Required Monitoring

No monitoring is required as part of Alternatives 2 or 3.

Direct and Indirect Effects - Alternative 2

A project is considered to have an adverse effect on cultural properties when it results in the alteration of characteristics that qualify the property for the National Register of Historic Places (NRHP). All historic properties that have been identified within the Boulder Creek Restoration planning area are being managed as eligible for the NRHP on the basis of their ability to yield scientific information that is important to studies of prehistory and history. Therefore, proposed activities that modify the patterning of surface or buried archaeological deposits are considered to result in a direct adverse effect.

The Boulder City Ghost Town historic district (10 BR 0027) will be subject to “no adverse effect” activities through this alternative. The design criteria for timber extraction within the historic districts’ boundaries will protect all site constituents from adverse effect, but would alter the current landscape and viewscape within and immediately adjacent to this complex historic district. These timber extraction activities as well as the planned recreation enhancement within the historic district will be designed and consulted upon with the Idaho SHPO prior to implementation, and the “no adverse effect” determination mitigated through that consultation.

The proposed activities of Alternatives 2 and 3 are expected to have no direct effects on all remaining known heritage sites within the project planning area both through the agreed avoidance of all known and located sites and as long as the Project Design Criteria in Table 4 are followed.

Resource Indicator and Measure 1

All sites regardless of eligibility status are protected from potential “no adverse effect” scenarios through avoidance, project design, and planning to avoidance possibility of intrusion into the site area by project activities, except for site 10 BR 0027 as discussed above.

Resource Indicator and Measure 2

All sites regardless of eligibility status are protected from potential “adverse effect” scenarios through avoidance, project design, and planning to avoidance possibility of intrusion into the site area by project activities, except for site 10 BR 0027 as discussed above.

Table 3. Resource indicators and measures for alternative 2 direct/indirect effects

Resource Element	Resource Indicator (Quantify if possible)	Measure (Quantify if possible)	Alternative 2 Direct/Indirect Effects
Each archaeological site that has yet to receive an eligibility determination or that has been determined to be eligible for the National Register of Historic Places.	Any element of an individual archaeological site that could qualify that individual archaeological site for nomination to the NRHP.	“no adverse effect” as defined under 36CFR800.5(3)(b): If an activity can foreseeably alter the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP, but can be mitigated in consultation with SHPO and ACHP.	“No adverse effect” will be mitigated through consultation with the Idaho SHPO for Site 10 BR 0027 prior to recreation/heritage plan implementation. No other sites are in danger of a “no adverse effect” scenario through deliberate project design.
Each archaeological site that has yet to receive an eligibility determination or that has been determined to be eligible for the National Register of Historic Places.	Any element of an individual archaeological site that could qualify that individual archaeological site for nomination to the NRHP.	“adverse effect” as defined in 36CFR800.5(1): If an activity can foreseeably remove the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP.	No sites are in danger of an “adverse effect” scenario through deliberate project design.

Cumulative Effects – Alternative 2

Past, Present, and Reasonably Foreseeable Activities Relevant to Cumulative Effects Analysis

Past, ongoing, and foreseeable actions that have affected, and may continue to affect, heritage resources in the project planning area include timber harvest, prescribed fire, wildfires and associated suppression and rehabilitation activities, road and trail construction and/or maintenance, and dispersed recreational use. Some level of artifact removal during the 20th century by members of the public has most certainly occurred, is known to occur at at least one known historic eligible property, and most probably continues in other areas at a reduced rate. Past road construction has caused the most direct effects to those sites where a historic road or railroad bed/spur existed. Timber harvests have occurred relatively recently and to a limited extent and as a result, direct and indirect effects to heritage sites have been minimal.

Potential impacts that heritage sites might incur from such ongoing and foreseeable actions such as noxious weed treatment, prescribed burning, hazard tree removal, recreation improvements, and any other potential undertakings common in lands management would be assessed and, if necessary, the potential impact would be avoided, minimized, or mitigated through the Section 106 process of the NHPA in consultation with the Idaho SHPO.

Previous timber harvest projects, modern mining activity, wildfires, livestock grazing, firewood cutting, recreational activities, and construction of Forest Service roads, have had incremental adverse effects on the cultural properties that have been identified within the Boulder Creek Restoration Project area. With the implementation of the project design criteria for heritage resources, there is minimal risk of additional incremental degradation of the cultural properties associated with the Proposed Action.

Resource Indicator and Measure 1

Through deliberate project planning and design all sites, except for 10 BR 0027, are protected from potential “no adverse effect” scenarios during the life of the project. Cumulative effects do not apply to the “no adverse effect” criteria.

Resource Indicator and Measure 2

Although all sites are protected from potential “adverse effect” scenarios through project design and planning to avoidance possibility of intrusion into the site area by project activities, any action has the potential a change in the overall landscape. Over time these changes can incrementally impact and diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.

Table 4. Resource indicators and measures for alternative 2 and alternative 3 cumulative effects

Resource Element	Resource Indicator (Quantify if possible)	Measure (Quantify if possible)	Alternative 2 Cumulative Effects
Each archaeological site that has yet to receive an eligibility determination or that has been determined to be eligible for the National Register of Historic Places.	Any element that could qualify the site for nomination to the NRHP.	“no adverse effect” as defined under 36CFR800.5(3)(b): If an activity can foreseeably alter the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP, but can be mitigated in consultation with SHPO and ACHP.	Cumulative Effects do not apply to the “no adverse effect” criteria
Each archaeological site that has yet to receive an eligibility determination or that has been determined to be eligible for the National Register of Historic Places.	Any element that could qualify the site for nomination to the NRHP.	“adverse effect” as defined in 36CFR800.5(1): If an activity can foreseeably remove the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP.	Cumulative Effects can incrementally diminish the integrity of those aspects of the site that could qualify it for nomination to the NRHP, but they do not rise to the level of “adverse effect”

Alternative 3 (and subsequent alternatives)

Alternative 3 includes all of the actions specified in Alternative 2, but:

- removes 118 acres of old growth to be treated by pre-slashing the ladder fuels and using prescribed fire, and
- decreases prescribed burning to 172 acres.

Project Design Features and Mitigation Measures

The design features and mitigation measures defined for Alternative 2 would apply to Alternative 3.

Required Monitoring

No monitoring is required as part of Alternative 3.

Direct and Indirect Effects - Alternative 3

The direct and indirect effects defined for Alternative 2 would apply to Alternative 3.

Summary

Degree to Which the Purpose and Need for Action is Met

Table 5. Summary comparison of how the alternatives address the purpose and need

Resource Element	Indicator/Measure	Alt 1	Alt 2 & 3
Each archaeological site that has yet to receive an eligibility determination or that has been determined to be eligible for the National Register of Historic Places.	The element(s) that qualify the site for nomination to the NRHP. "no adverse effect" as defined under 36CFR800.5(3)(b): If an activity can foreseeably alter the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP, but can be mitigated in consultation with SHPO and ACHP.	There are no planned activities under Alternative 1, therefore no "no adverse effects" scenarios would exist.	Site 10 BY 27 has, by deliberate plan, a "no adverse effect" determination that will be addressed through consultation with the Idaho SHPO. No other sites will have a "no adverse effect" scenario through deliberate project design. Cumulative Effects do not apply to the "no adverse effect" criteria
Each archaeological site that has yet to receive an eligibility determination or that has been determined to be eligible for the National Register of Historic Places.	The element(s) that qualify the site for nomination to the NRHP. "adverse effect" as defined in 36CFR800.5(1): If an activity can foreseeably remove the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP.	There is no active site management of historic properties under Alternative 1 which could lead to "adverse effects". Without active management, all historic properties will degrade over time from common environmental factors such as weather and biotic action.	No sites are in danger of an "adverse effect" scenario through deliberate project design. Cumulative Effects can incrementally diminish the integrity of those aspects of the site that qualify it for nomination to the NRHP, but they do not rise to the level of "adverse effect".

Summary of Environmental Effects

Table 6. Summary comparison of environmental effects to cultural resources

Resource Element	Indicator/Measure	Alt 1	Alt 2 & 3
Each archaeological site that has yet to receive an eligibility determination or that has been determined to be eligible for the National Register of Historic Places.	The element(s) that qualify the site for nomination to the NRHP. "no adverse effect" as defined under 36CFR800.5(3)(b): If an activity can foreseeably alter the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP, but can be mitigated in consultation with SHPO and ACHP.	There are no planned activities under Alternative 1, therefore no "no adverse effects" scenarios would exist.	Site 10 BY 27 has, by deliberate plan, a "no adverse effect" determination that will be addressed through consultation with the Idaho SHPO. No other sites are in danger of a "no adverse effect" scenario through deliberate project design. Cumulative Effects do not apply to the "no adverse effect" criteria

Resource Element	Indicator/Measure	Alt 1	Alt 2 & 3
Each archaeological site that has yet to receive an eligibility determination or that has been determined to be eligible for the National Register of Historic Places.	The element(s) that qualify the site for nomination to the NRHP. "adverse effect" as defined in 36CFR800.5(1): If an activity can foreseeably remove the element(s) that qualify the historic property for inclusion in or eligibility for the NRHP.	There is no active site management of historic properties under Alternative 1 which could lead to "adverse effects". Without active management, all historic properties will degrade over time from common environmental factors such as weather and biotic action.	No sites are in danger of an "adverse effect" scenario through deliberate project design. Cumulative Effects can incrementally diminish the integrity of those aspects of the site that qualify it for nomination to the NRHP, but they do not rise to the level of "adverse effect".

Compliance with the Forest Plan and Other Relevant Laws, Regulations, Policies and Plans

With the implementation of the outlined Project Design Criteria, alternatives 2 and 3 would meet the Forest Plan and all appropriate Cultural Resource laws, regulations, policies, and management direction.

Intensity Factors for Significance (FONSI) (40 CFR 1508.27(b))

Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

The proposed action (all of the action alternatives) will not have an adverse effect on any property listed, eligible for listing, or of undetermined eligibility for listing on the National Register of Historic Places, except for NRHP eligible 10BY27. Planned benefiting actions to site 10BY27 will create a "no adverse effect" scenario which is considered under the NHPA and 36CFR800 to be both beneficial and adverse. As per the *Programmatic Memorandum of Agreement Between the USDA Forest Service, Northern Region, the Advisory Council on Historic Preservation, and the Idaho State Historic Preservation Officer Regarding Cultural Resources Management on Specified Northern Region National Forests in the State of Idaho, 2001*, the mitigation for the planned "no adverse effect" actions will be codified in a Memorandum of Understanding with the Idaho State Historic Preservation Officer, and completed prior to implementation. There will be no loss or destruction of significant scientific, cultural, or historical resources.

Other Agencies and Individuals Consulted

As part of Section 106 of the NHPA, the following agencies and Tribal cultural staff and official government entities were consulted: Idaho State Historic Preservation Officer (see Attachment B), Kalispel Tribe of Indians, Kootenai Tribe of Idaho, Confederated Tribes of the Colville Reservation, and the Confederated Salish and Kootenai Indians of the Flathead Indian Reservation (see Attachment C).

Glossary

"Historic property" is an archaeological site, feature, or artifact that has been defined as eligible for the National Register of Historic Places

References Cited

Bigelow, B., 2016, *R2016010471995 - Heritage Site Inventory of the Boulder Creek Restoration Project: Bonners Ferry Ranger District, Idaho Panhandle National Forests*; Administrative File, Idaho Panhandle National Forests, Supervisor's Office, Coeur D'Alene, Idaho [FOIA Exempt Documentation as per 36 CFR 800.11(c)]

Government Document, 2001, *Programmatic Memorandum of Agreement Between the USDA Forest Service, Northern Region, the Advisory Council on Historic Preservation, and the Idaho State Historic Preservation Officer Regarding Cultural Resources Management on Specified Northern Region National Forests in the State of Idaho.*

Attachment A

2015 Forest Plan Forest-wide Consistency

Goals:

CULTURAL RESOURCES		
GOAL-CR-01	37	Provide education about the importance of protecting cultural resources and the consequences for unlawful damage to or taking of cultural resources to reduce looting, vandalism, and incidental damage.
		<i>Response:</i> The planned interpretive recreation site at the Boulder City Ghost Town historic site contains an anti-vandalism, looting, and damage component.

Desired Conditions:

CULTURAL RESOURCES		
FW-DC-CR-01	37	<p>Cultural resources are inventoried, evaluated for inclusion on the National Register of Historic Places, and managed according to their allocation category, including preservation, enhancement-public use, or scientific investigation. National Register ineligible cultural resources may be released from active management. Until evaluated, cultural resources are treated as National Register eligible. Historically and archaeologically important cultural resources and traditional cultural properties may be nominated to the National Register.</p>
		<i>Response:</i> Site eligibility is defined in R2016010471995 - <i>Heritage Site Inventory of the Boulder Creek Restoration Project: Bonners Ferry Ranger District, Idaho Panhandle National Forests</i> , Beth Bigelow, to be submitted 2017. Appropriate eligible properties (10BY27) are analyzed for utilization in enhancement and public use capacities. Through these planned actions, this desired condition has been fully met.
FW-DC-CR-02	38	<p>Cultural resources are safeguarded from vandalism, looting, and environmental damage through monitoring, condition assessment, protection, and law enforcement measures. Interpretation and adaptive use of cultural resources provide public benefits and enhance understanding and appreciation of IPNF prehistory and history. Cultural resource studies provide relevant knowledge and perspectives to IPNF land management. Artifacts and records are stored in appropriate curation facilities and are available for academic research, interpretation, and public education.</p>

		<p><i>Response:</i> Appropriate cultural resource protection language will be included within all appropriate project contract documents. All work accomplished and reported in <i>R2016010471995 - Heritage Site Inventory of the Boulder Creek Restoration Project: Bonners Ferry Ranger District, Idaho Panhandle National Forests</i>, Beth Bigelow, 2016 will include all appropriate research information which will be available to be utilized in the future to meet planning goals for interpretation and adaptive use. Through these planned actions, this desired condition has been fully met.</p>
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Objectives:

CULTURAL RESOURCES		
FW-OBJ-CR-01	38	Annually complete an inventory of 50 to 100 acres containing, or predicted to contain, highly valuable, threatened, or vulnerable cultural resources (non-project acres).
		<p><i>Response:</i> Not relevant – not a project specific issue.</p>
FW-OBJ-CR-02	38	Over the life of the Plan, evaluate and consider for nomination 5 to 10 significant cultural resources to the National Register of Historic Places.
		<p><i>Response:</i> Not relevant – not a project specific issue.</p>
FW-OBJ-CR-03	38	Over the life of the Plan, develop five historic contexts, overviews, thematic studies, or cultural resources property preservation plans to help guide management and use of National Register eligible or listed properties, districts, traditional cultural properties, and cultural landscapes.
		<p><i>Response:</i> Not relevant – not a project specific issue.</p>
FW-OBJ-CR-04	38	Annually complete one public outreach or interpretive project that enhances public understanding and awareness of cultural resources and/or history of the Plan area.
		<p><i>Response:</i> Not relevant – not a project specific issue.</p>

Guidelines:

CULTURAL RESOURCES		
FW-GDL-CR-01	38	Cultural resource protection provisions should be included in applicable contracts, agreements, and special use permits for National Register-listed or eligible properties.
		<p><i>Response:</i> All contracts of work in relation to this project will include language for the protection of National Register-listed or eligible properties, either known or located through inadvertent discovery.</p>
FW-GDL-CR-02	38	Historic human remains should be left undisturbed unless there is an urgent reason (e.g., human health and safety, natural event, etc.) for their disturbance.
		<p><i>Response:</i> All contracts of work in relation to this project will include language protection and preservation protocols for any inadvertent discovery of human remain.</p>

Attachment B

Consultation: Idaho State Historic Preservation Officer

The following documentation concludes the National Historic Preservation Act, Section 106 consultation between the Idaho Panhandle National Forests and the Idaho State Historic Preservation Officer concerning the Boulder Creek Restoration Project.

Insert Signed DOEE here

Attachment C

Tribal Consultation

Name of Tribe	Date of contact	Type of contact	Comments/Notes
Kootenai Tribe of Idaho	09/16/2013	KVRI Meeting	Project Introduction
	02/13/2014	KVRI Meeting	Project Update
	03/10/2014	KVRI Meeting	Project Update
	03/17/2014	KVRI Meeting	Project Update: access
	04/07/2014	KVRI Meeting	Project Update
	06/19/2014	KVRI Meeting	Field trip to Boulder project area
	07/21/2014	KVRI Meeting	Discussion of field trip results and needs
	12/01/2015	KVRI Meeting	Issues of funding and timeline impacts
	05/12/2016	KVRI Meeting	Project Update: review of impacts of the winter 2015-2016 flooding to the project area
	06/20/2016	Public Meeting	General project update
	06/30/2016	KVRI Meeting	Project Update: review of stands, fire history (including catastrophic fire of 1910), define purpose and need, comprehensive recreation plan, proposal of Boulder City Ghost Town interpretive area and historic walk/trails with educational components, wildlife habitat issues, economic issues, TAPS.
	07/14/2016	Project tour	Boulder Meadows Area, Boulder city Ghost Town area, old growth stands.
	10/05/2016	KVRI Meeting	Project Update: adjoining Starry Goat project in Montana, concerns with helicopter logging, issues with the historic Kootenai River Walk
	10/17/2016	KVRI Meeting	Project update: Recreation/heritage opportunities
	11/21/2016	KVRI Meeting	Project update: discussion of possible collaborative efforts with recreation and the neighboring Starry Goat project
	12/9/2016	Letter	Scoping letter provided from Forest Service.
	12/13/2016	Letter	From the KTI; Tribal Council Chair: support of the project
	01/09/2017	KVRI Meeting	Project update: review of fire history and its shaping of the environmental landscape; recreation, heritage, and education components; access,
	02/16/2017		Project update: review of public comments, recreation, access, etc.
Confederated Tribes of the Colville Reservation	10/12/2015	Telephone	Defer to the Kootenai Tribe of Idaho on heritage/cultural resource issues.
	12/9/2016	Letter	Scoping letter provided from Forest Service.

Name of Tribe	Date of contact	Type of contact	Comments/Notes
Kalispel Tribe of Indians	10/12/2015	Telephone	Advise of initiation of project plans, set up meeting between FS and tribal cultural staff (NHPA/Section 106) for 11/30/2015.
	11/30/21015	Meeting	Review initial proposal, review possible tribal cultural concerns for integration into the Section 106 research and analysis, discuss needs for a FS/tribal natural resources meeting.
	12/9/2016	Letter	Scoping letter provided from Forest Service.
Confederated Salish and Kootenai Indians of the Flathead Indian Reservation	3/11/2014	Meeting	Review the new proposed restoration project within the Boulder area. CSKT: F. Ault and heritage staff; IPNF Pahr, Knauth; at CSKT offices
	4/22/2015	Meeting	Discussed possibilities for interpretation at BCGT. Keep THPO apprised of trail systems and provided information concerning possible survey interest areas. CSKT: M.Durglo, Sr. and heritage staff; IPNF: Bigelow, Nishek; at CSKT offices
	6/1/2016	Meeting	Discussed planned activities within the Boulder area with clarification and information from the KVRI working group. Reviewed survey design. CSKT: MRogers and heritage staff; IPNF: Bigelow, Knauth; at CSKT offices
	12/9/2016	Letter	Scoping letter provided from Forest Service.
			Defer Heritage issues to the Kalispel Tribe of Indians and the Kootenai of Idaho in this area, but wish to be kept apprised on any plans, results, or questions of eligibility of pre-contact era properties if found.
	5/23/2017	Meeting	Review of project with THPO, discussed planned activities, update on project timeline.

Attachment D

Unanticipated Discovery Plan and Discovery of Human Remains Protocols

If unanticipated cultural resources or human remains are identified during project activities the following protocols as established in the *R1 Heritage Protection Plan, USDA FS, 2011* as defined below. These protocols are based on federal law, regulation, and FSM policy and direction.

Unanticipated Discovery of Cultural Resources (see FSM 2364.13)

1. Forest Service line officer (Forest Supervisor, District Ranger) or delegated staff will:
 - A. Cease all project activity within (at minimum) 100ft of the unanticipated discovery until after the affected cultural resource(s) is evaluated and adverse effects to the cultural resource have been avoided, minimized, or mitigated.
 - B. Notify the Contracting Officer of work-stoppage if this discovery was caused by a contractor or cooperator. Ensure that the appropriate contracting procedures are being followed.
 - C. Protect the discovery from further damage, theft, or removal. Leave all artifacts and cultural materials in place. Involve law enforcement as necessary.
 - D. Follow the protocols below if the discovery involves human remains.
 - E. Follow the requirements of NAGPRA if associated or unassociated funerary objects or objects of cultural patrimony are discovered.
 - F. Involve FS Law Enforcement if the unanticipated discovery also involves deliberate removal or destruction of cultural resources.
 - G. Allow resumption of work only following resolution of the discovery incident. In most cases, this decision will be the District Ranger, but when human remains are involved the Forest Supervisor will make this decision.
2. Forest Heritage Program Leader, or delegated heritage program staff, will:
 - A. Document the unanticipated discovery using appropriate site recordation procedures and forms. This should include, but is not limited to, documenting exposed artifacts and features; mapping the extent of artifacts, features, and cultural horizons; and documenting natural and cultural stratigraphy in open trenches or pits.
 - B. Notify the SHPO, tribes, and other consulting parties, including any cultural resource consultants assigned to the project as appropriate.
 - C. Evaluate the cultural resources for National Register of Historic Places (NR) eligibility. Subsurface testing will be limited to a level sufficient to provide a recommendation of NR eligibility. The benefitting function or heritage program may fund the evaluation work contingent on the cause and nature of the discovery.
 - D. Funding to support evaluation may be provided by program activity (i.e., road maintenance) which caused the unanticipated discovery or by the Heritage Program.
 - 1) If the affected cultural resource is eligible for the NR, the heritage program leader will consult with the SHPO, tribes and consulting parties about measures to avoid, minimize, or mitigate further effects to the NR eligible cultural resource. Mitigation measures will be contingent on the type and extent of the disturbed resource, the extent of the adverse effect, and whether or not it is possible to avoid any further effects.

- 2) If the affected cultural resource is determined to be NR-ineligible, with SHPO concurrence, work may resume with appropriate monitoring for further cultural resource disturbances.
 - 3) If NR evaluation is not possible due to circumstances beyond control, the affected cultural resource will be treated as NR eligible in accordance with FSM 2363.22.
- E. Develop an action plan, mitigation plan, or emergency treatment plan for the affected cultural resources if the cultural resource is NR eligible OR if it is being treated as eligible absent formal evaluation per FSM 2362.22. Fund the action plan and necessary emergency treatment or mitigation work via benefiting function or heritage program contingent on the cause and nature of the discovery.
 - F. Document the unanticipated discovery in annual reports to the SHPO under programmatic agreements, and include an Event record in Infra, as appropriate.

Discovery of Human Remains (FSM 2361.3 and 2364.1)

Heritage professionals are often the first point of contact when human remains are discovered on National Forest System land. Advise the appropriate line officer to follow State burial laws or and these protocols.

1. Forest Service line officer (Forest Supervisor, District Ranger) or delegated staff will:
 - A. Ensure that ALL discovered human remains are treated with cultural sensitivity, dignity, and respect. Viewing and photographing exposed human remains by agency employees may compromise LE&I and forensic efforts.
 - B. Ensure that the beliefs and customs of American Indians, including agency employees, tribal consultants and public members, are respected. Exposure to human remains, directly or indirectly (i.e., a box containing skeletal material), may degrade and compromise spiritual beliefs and practices.
 - C. Ensure that the discovery area is secure; leave human remains in place; cease project activity where appropriate until a plan of action is developed and; involve LE&I immediately, and Heritage Professionals as appropriate.
 - D. Allow resumption of work only when the disposition of the human remains is determined and a written binding agreement is executed between the necessary parties in accordance with 43 CFR Part 10.4(e).
2. Forest Heritage Program Leader or delegated heritage program staff will:
 - A. Promptly notify SHPO, the appropriate Indian tribe(s), and the County Coroner/Medical Examiner, who will officially determine the nature of the remains (forensic or archaeological).
 - 1) If the remains are not forensic and non-Native American, leave the remains in place and assist in the development of a plan for avoidance (in place preservation) or removal. Consult with SHPO and other interested parties as appropriate.
 - 2) If the remains are not forensic and Native American, ensure that NAGPRA regulations at Section 10.4 of Title 43, Code of Federal Regulations, Part 10, are followed. Notify the appropriate Indian tribe(s) by telephone followed by written confirmation as soon as practicable. Develop an Action Plan for disposition of Human Remains.

- 3) If the remains are forensic evidence, FS LE&I and/or the County Coroner/Medical Examiner take control of the situation.
- B. Coordinate and communicate with the Line Officer, forest staff, LE&I, tribes, SHPO, and consulting contractors regarding progress and status of human remains discovery incident, as necessary and appropriate. Otherwise, treat this information as confidential.
- C. Document the human remains incidents in annual reports to the SHPO under programmatic agreements, and include an Event record in Infra, as appropriate. Specifics of the discovery incident may be inappropriate but a general summary is important since these incidents are important to track.